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MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 2, 2019/2020

UIF2612 – ISLAMIC FAMILY LAW

(All Sections / Groups)

9 MARCH 2020

Reading Time : 9 a.m – 9.15 a.m

(15 Minutes)

Answering Time: 9.15 a.m – 12.15 p.m

(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes **ONLY** in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.
2. This Question paper consists of 3 pages with 5 Questions only.
3. This Question paper consist of 2 sections. Attempt ONE question only in Section A and all **THREE** questions in Section B. The distribution of the marks for each question is given.
4. Students are only allowed to bring into exam hall a **CLEAN AND ORIGINAL COPY** of:
 - i. Islamic Family Law (Federal Territory) Act 1984
 - ii. Al-Quran Translation“Clean” is defined to include no tagging, no annotation either by the publisher or anyone else, and no erased marking. Highlighting and underlining are also prohibited.
5. Please write all your answers in the Answer Booklet provided.

SECTION A (Answer ONE question only)**QUESTION 1**

Fatin Sarah got divorced by her husband, Roslan, in January 2012. They have four children, Adam aged 16 years, Idris aged 10 years, Rokiah and Fatimah twin girls aged 8 months. Since the divorce, Fatin Sarah and the twins stayed with her parents in Shah Alam, while the boys were with their father. Two months after the divorce, Roslan married Zeemah, his secretary and the boys continued staying with him.

Fatin Sarah has recently informed Roslan that she will be marrying Harman, a businessman, in October 2012. With reference to Hukum Syara', statutory provisions and relevant cases discuss the following:

- a) Roslan has put in an application for the custody of the twins, since Harman is not their *muhrim*.

Consider whether his application would be approved by the Syariah Court.

(12 marks)

- b) Fatin Sarah wishes to claim from Roslan arrears of maintenance for the twins, who were in her care since their divorce.

Explain whether her claim would be approved by the Syariah Court.

(13 marks)

(Total: 25 marks)

QUESTION 2

Zawiyah filed a petition against her husband, Latif, in the Syariah Court of Kuala Lumpur. In her statement of claim, she alleged the following:

- a) Her husband married a second wife without permission from the court.
b) After the second marriage the husband seldom returned to their house.
c) Her husband had not given her and the children any allowance for the past one year.

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d) She wanted to claim half of the shares, monies and properties under the husband's name because she had been an active partner in the husband's company. She was worried that her husband will transfer these properties to his second wife.

e) Her husband must make a promise to the court to treat her fairly or else their marriage would be terminated in accordance with the *taklik* pronounced by her husband at the time of their marriage.

Advise Zawiyah and support your answer with relevant authorities.

(Total: 25 marks)

SECTION B (Answer all THREE questions)

QUESTION 3

Ramli was married to Rokiah for ten years. He has applied to the Syariah High Court in Shah Alam for permission to take Zamrah as his second wife. Among the reasons given by Ramli to justify his action were that Rokiah is ten years older than him and they have no children. Besides that, he is very close to Zamrah, his business associate and they love each other. If they are not married they might commit the sin of *zina*.

As a Syarie judge, would you approve his application for polygamy? State the reasons with authorities to your answer.

(Total: 25 marks)

QUESTION 4

Encik Razak, a retired clerk, has a wife, Puan Salamah, aged 45 and two children, Azmi aged 22 and Aina aged 19. They reside in Shah Alam. Azmi works as a clerk at Maya Supermarket in Petaling Jaya and stays with his parents.

Aina, who studies at a private college, wishes to marry Karim, aged 30, a lecturer who teaches at a local university. Karim is divorced with twin boys, aged six years. Encik Razak, Aina's father, disagreed to her proposed marriage for he is of the view that she should complete her studies first and that a virgin girl should marry a bachelor.

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Despite her father's objection, Aina and Puan Salamah made arrangements for the wedding. Two days before the wedding, Encik Razak left for *umrah*, which he had planned unknown to his wife and Aina.

Explain to Aina the role of *wali mujbir* and the requirement of *wali* in the solemnisation of a marriage.

(Total: 25 marks)

QUESTION 5

Jamilah sought your advice as her 'Peguan Syarie' in the following matters: -

a) The status of her marriage which was solemnized in Haadyai, Thailand due to the objection of her parents and her husband's first wife.

(10 marks)

b) After three years, she realized that her decision to marry her husband was the biggest mistake she made in her life as there was no future in being the second wife. She wanted to end the marriage.

(15 marks)

(Total: 25 marks)

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